

1-011 Local Office Responsible for Case Handling: The local office that serves the county where a client resides is responsible for handling the case. If the client has a guardian, conservator, or other representative, the local office in the county where the representative resides may handle the case.

Exception: The cases of an AABD couple with different counties of residence must be handled by one local office. If one spouse is in a long term care facility and the other is not, the local office in the county where the spouse is not in the long term care facility handles the case.

1-011.01 Transfer to New County of Residence: For procedures, see 469-000-311.

1-011.01A Case Handling of Temporary Absences: The case of an individual in an institution or a care facility for a temporary stay remains with the original local office in the county where the client resides and intends to return. Similarly, if a client is out of his/her county of residence for a brief visit the case is not forwarded. It remains the responsibility of the local office in the county where the client intends to return.

~~1-012 Summary of Forms: For a listing of forms used in AABD/MA and SDP/MA, see 469-000-328. Instructions for the forms are contained in the Public Assistance Forms Manual.~~

7. Burial spaces (see 469 NAC 2-009.07A3d);
8. Up to \$1,500 set aside for burial arrangements (see 469 NAC 2-009.07A3c);
9. One motor vehicle if it is used for employment, medical transportation, or as the client's home. If the client has more than one motor vehicle, s/he may designate the vehicle to be excluded (see 469 NAC 2-009.07B7).
10. Certain trusts (including guardianships). The person(s) in whose behalf the trust is established may be ineligible but this may not affect eligibility of the other person(s) in the unit (see 469 NAC 2-009.07A6).
11. Certain life estates in real property (see 469 NAC 2-009.07B8);
12. Income received annually, semi-annually, or quarterly which is prorated on a monthly basis and included in the budget. This income is excluded as a resource over the period of time it is being considered as income;
13. The unspent portion of any RSDI or SSI retroactive payments (excluded for six months following the month of receipt);
14. U.S. savings bonds (excluded for the initial six-month mandatory retention period);
15. A resource used in the client's trade or business (see 469 NAC 2-009.07B11);
16. A maximum of \$6,000 equity value of nonbusiness property (real or personal) that is used to produce goods or services essential to daily activities (see 469 NAC 2-009.07B11a);
17. The unspent portion of an AABD or SDP retroactive payment (excluded for six months following the month of receipt);
18. Victims compensation payments, i.e., payments received from a state or local government to aid victims of crime (excluded for nine months beginning with the first month after receipt);
19. Payments received from a state or local government to assist in relocation (excluded for nine months beginning with the first month after receipt);
20. An unavailable job-related retirement account that is held by the employer;  
**and**
21. An Individual Development Account (an account set up for postsecondary education or purchase of a client's first home); **and**
22. Medicare Set-aside accounts that may be used only for payment of medical bills of Medicare beneficiaries.

The worth of resources, both available and excluded, is determined on the basis of their equity.

For any of these funds to be excluded as a resource, they must be segregated in a separate account so that they can be identified. If the funds are not in a separate account, the worker shall allow the client 30 days from notification of the requirement to set up a new account. After 30 days, the resource is included in the resource limit if the client fails to segregate the funds. If this makes the client ineligible for a grant and the client subsequently segregates the funds, the worker shall determine eligibility for a grant for the month of segregation.

Several excludable resources may be combined in a single account.

{Effective 8/2/2000}

2-009.03A2a Real Estate: The worker must verify ownership of real estate through records in the offices of the register of deeds or county clerk. The worker must verify the terms on which property is held in cases of joint ownership. Records of the county court have information in regard to estates which have not been settled or which are in probate. The worker must consult the records of the county court if the property has come to the holder as a part of an estate; if by joint purchase, the facts will appear in the record of the deed.

2-009.03A2b Motor Vehicles: The worker must verify ownership of a motor vehicle. The title, not the registration, of a motor vehicle legally determines ownership.

2-009.03A2c Bank Accounts: The worker must verify the terms of the account with the ~~bank~~ financial institution. If any individual on the account is able to withdraw the total amount, the full amount of the account is considered the client's. If all signatures are required to withdraw the money, the proportionate share must be counted toward the client.

If the client verifies that none of the money belongs to him/her, the client must be allowed 60 days to remove his/her name from the account. The client must provide proof of the change. After the client removes his/her name from the ~~bank~~ account, eligibility may be determined retrospectively and/or prospectively. If the client does not remove his/her name in 60 days, the money is counted as a resource.

If a portion is the client's, the worker must notify the client of the requirement to put the money in a separate account.

2-009.04 Consideration of Relative Responsibility: When the client (i.e., a spouse or parent) has relative responsibility for a client in another assistance unit and the responsible relative owns the resource(s), the worker must divide the value by the number of units to determine the amount to be counted to each. An AABD/MA or SDP/MA couple is considered one unit.

Exception: If the responsible relative receives SSI, none of the value of the resource(s) is considered to the other unit.

{Effective 5/8/05}

2-009.10C1 Transfer of a Home: It is not considered a deprivation of a resource if an applicant or recipient transfers title to his/her home to his/her:

1. Spouse;
2. Son or daughter who:
  - a. Is age 20 or younger;
  - b. Is blind or disabled (receiving or eligible to receive SSI, RSDI, AABD or MA based on blindness or disability); or
  - c. Was residing in the home for at least two years before his/her parent requested assistance or entered the living arrangement listed at 469 NAC 2-009.10B and provided care to his/her parent which permitted the parent to reside at home rather than be institutionalized or receive Home and Community Based Waiver Services; or
3. Sibling who has an equity interest in the home and who was residing in the home for at least one year immediately before his/her sibling requested assistance or entered the previously listed living arrangement (469 NAC 2-009.10B).

{Effective 6/18/2001}

~~2-009.10C2 Exceptions to Deprivation Policy: An exception may be made if it is determined that a transfer was made for less than fair market value but the individual can verify that s/he intended to dispose of the resource for fair market value or for other valuable consideration, that the transfer was not made to qualify for assistance, or that denial of assistance would cause undue hardship.~~

~~{Effective 6/18/2001}~~

2-010.01B2 Unearned Income: Unearned income includes but is not limited to -

1. Retirement, Survivors, and Disability benefits;
2. Railroad Retirement;
3. Child support;
4. Military service benefits;
5. Civil service benefits;
6. Unemployment compensation;
7. Gifts;
8. Disability insurance benefits;
9. Disability benefits paid by an employer (this does not include sick leave); and
10. Returns from securities or investments (i.e., stocks, bonds, annuities, or savings) in which the individual is not actively engaged.

If payments are received annually, semi-annually, or quarterly, the amount is prorated on a monthly basis.

2-010.01B2a RSDI Benefits: For budgeting, the gross amount of RSDI is used; the gross amount is the RSDI benefit with no Medicare premium deducted and rounded down to the nearest whole dollar.  
{Effective 7/10/2000}

Exceptions: Certain specified groups of individuals retain Medicaid eligibility without regard to required receipt of Social Security benefits because they are considered to be receiving SSI.

1. Disabled Early Widow(er)s/COBRA Widow(er)s who meet all the following requirements:

- a. Lose SSI due to mandatory receipt of Title II widows benefits;
- b. Are not yet eligible for Medicare Part A;
- c. Are at least age 50, but not yet age 65; and
- d. Would continue to be eligible for SSI benefits if they were not receiving the Title II benefits;

2. Disabled Adult Children (DAC)/Childhood Disability Beneficiaries (CDB) who meet all the following requirements:

- a. Lose SSI or 1619(b) after 11/10/1986 (Public Law 99-643) due to mandatory receipt/increase of Title II benefits on a parent's record due to retirement, death, or disability of a parent;
- b. Are over the age of 18;
- c. Whose blindness or disability began before the age of 22; and
- d. Would continue to be eligible for SSI (including the SSI resource standard) if they were not receiving the Title II disabled adult child's benefits;

3. Section 503/Pickle Amendment Group who meet all the following requirements:
  - a. Currently receiving Title II;
  - b. Lost SSI/SSP but would still be eligible for those benefits if the total amount of the Title II cost-of-living increases received since losing SSI/SSP benefits while also entitled to Title II benefits was deducted from income Cost-of-living increases include the increases by the individual, spouse or financially responsible family member; and
  - c. Was eligible for and receiving SSI or a State supplement concurrently with Title II for at least one month after April 1, 1977.
4. Disabled Widow(er)s/Additional Reduction Factor (ARF) Widow(er)s who meet all the following requirements:
  - a. Have a disability;
  - b. Were receiving SSI/SSP benefits in December, 1983 and lost SSI/SSP benefits in January 1984 due to a statutory elimination of an additional benefit reduction factor for widow(er)s before attainment of age 60 who have been continuously entitled to widow(er)s insurance based on disability since January 1984;
  - c. Applied for benefits under this group no later than July 1, 1988; or the later date for 209(b) States established under the court order in *Darling v. Bowen*, 685 F.Supp.1125; and
  - d. Would continue to be eligible for SSI/SSP benefits if he or she had not received the increase in Title II benefits.

b. Insurance payments for damage to personal property	b. Disregard
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35. Any assigned child/spousal support	35. Disregard.
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36. Unassigned child support paid on behalf of an AABD child	36. Disregard 1/3 of the amount.
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37. Subsidized adoption or subsidized guardianship payments from Title IV-E or child welfare funds	37. Disregard.
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38. Income from the sale of blood or plasma	38. Consider as unearned income.
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39. Agent Orange settlement payments	39. Disregard.
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40. Loans	40. Disregard bona fide loans that must be repaid.
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41. Veterans Assistance benefits received by the spouse of an SSI recipient if the spouse is applying for or receiving AABD/MA	41.a. Disregard the amount of VA benefits, if any, that are budgeted by SSI to the SSI spouse. b. Consider as unearned income the remainder on the AABD/MA budget of the non-SSI spouse.
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42. Veterans pension benefits reduced to \$90 for individuals receiving Medicaid	42. Disregard. <del>If the \$90 VA pension is disregarded, do not allow the SON or MNIL in the budget.</del>
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43. Income from Experience Works, Inc. Senior Community Service Employment, and any other income received under Title V of the Older Americans Act	43. Consider as earned income.
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3-004.02A1a Clients in Public Housing: When a client enters federally subsidized low-rent public housing from private housing, the budget must reflect the lowered rent amount. If the client is in public housing when s/he applies for assistance, the worker shall use the amount the client is responsible for paying at the time of application.

If the client remains in public housing and the shelter amount fluctuates, the budget must reflect increases in the shelter amount, but not decreases.

3-004.02A2 Home Ownership

3-004.02A2a Expenses of: Expenses of home ownership may be allowed if the client or spouse owns the home in which the client lives, provided the allowance does not exceed the ~~cost-of-rent~~ maximum shelter limit allowed.

If the client or spouse has only a life interest in the home, the terms of the conveyance must be examined in determining whether the client or the title-holder is responsible for the expenses of home ownership. The case record must contain an explanation if an allowance is included in the budget.

3-004.02A2b Standards for Determining Costs: The cost of interest or payments on mortgages or contract purchases, current taxes, and insurance may be allowed in the assistance budget as follows:

1. Mortgage or Purchase Contract: Interest and payments on the mortgage or purchase contract on the home may be included in the budget.